

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KAI KANG,

Plaintiff,

-against-

USA,

Defendant.

1:20-CV-6206 (CM)

ORDER OF DISMISSAL

COLLEEN McMAHON, Chief United States District Judge:

Plaintiff Kai Kang filed this action *pro se* and seeks leave to proceed *in forma pauperis* (IFP). On August 17, 2020, the Court directed Plaintiff, within thirty days, to submit an amended IFP application or pay the \$400 in relevant fees, and specified that failure to comply would result in dismissal of this action.

Shortly thereafter, on August 26, 2020, and again on September 14, 2020, Plaintiff filed IFP applications. (ECF 5 & 6.) In those IFP applications, Plaintiff states that he has no present sources of income, but when he last worked, on March 31, 2016, he earned \$9,500 per month. Those IFP applications show that Plaintiff pays \$218 per in week child support, and \$25 per month “(suspended)” for cell-phone service. When asked how he pays these and other living expenses, Plaintiff states that he lives “100% . . . from his own savings.” Yet he indicates that he does “not know value” of his brokerage account and that he has “\$0.00” in cash in any checking or savings account. (ECF 5 & 6, at 2.)

The Court holds that Plaintiff’s newly filed IFP applications do not remedy the deficiencies in his original IFP application. Because Plaintiff fails to fully disclose his financial information, the Court cannot determine whether he qualifies for IFP status. Accordingly, the Court dismisses this action without prejudice. *See* 28 U.S.C. §§ 1914, 1915.

Plaintiff has consented to electronic service of Court documents. (ECF 3.)

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: September 21, 2020
New York, New York

A handwritten signature in black ink, appearing to read "Colleen McMahon", is written over a horizontal line.

COLLEEN McMAHON
Chief United States District Judge